

JOHN A. O'MALLEY (BAR NO. 101181)

**FULBRIGHT & JAWORSKI L.L.P.**

555 SOUTH FLOWER STREET

FORTY-FIRST FLOOR

LOS ANGELES, CALIFORNIA 90071

TELEPHONE: (213) 892-9200

FACSIMILE: (213) 892-9494

JOMALLEY@FULBRIGHT.COM

DAN D. DAVISON (*admitted pro hac vice*)

MARC L. DELFLACHE (*admitted pro hac vice*)

**Fulbright & Jaworski L.L.P.**

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201

Telephone: (214) 855-8000

Facsimile: (214) 855-8200

ddavison@fulbright.com

mdelflache@fulbright.com

RICHARD S. ZEMBEK (*admitted pro hac vice*)

**Fulbright & Jaworski L.L.P.**

1301 McKinney, Suite 5100

Houston, Texas 77010

Telephone: (713) 651-5151

Facsimile: (214) 651-5246

rzembek@fulbright.com

Attorneys for Defendants Papa John's USA, Inc.; Wanderspot LLC;

Expedia, Inc.; Hotels.com, LP; Hotel Tonight, Inc.; Hotwire, Inc.;

Kayak Software Corp.; Orbitz, LLC; Travelocity.com, LP;

Fandango, Inc.; StubHub, Inc.; Ticketmaster LLC; Live Nation

Entertainment, Inc.; and Micros Systems, Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERANTH INC. ,

Plaintiff,

v.

STUBHUB, INC.,

Defendant.

Civil Action No. 12-CV-1646-JLS-NLS

[Consolidated with 3:11-Cv-01810-JLS-NLS]

**DECLARATION OF RAY REYNOLDS ON  
BEHALF OF STUBHUB, INC.**

**FILED UNDER SEAL PURSUANT TO  
PROTECTIVE ORDER – CONTAINS  
INFORMATION DESIGNATED “HIGHLY  
CONFIDENTIAL – ATTORNEYS’ EYES ONLY”**

**DECLARATION OF RAY REYNOLDS ON BEHALF OF STUBHUB, INC.**

I, Ray Reynolds, declare as follows:

1. I serve as a Principal Operations Architect for StubHub, Inc. (“StubHub”). I have personal knowledge of the matters stated in this declaration.
2. I understand that StubHub has been asked by the Plaintiff to produce all of the source code and associated tools and files for the full and mobile version of StubHub’s e-commerce websites: www.stubhub.com (“StubHub main website”) and m.stubhub.com (“StubHub mobile website”) (collectively “the StubHub websites”).
3. I am offering this declaration to explain:
  - a. the effort StubHub’s employees would have to undertake to gather some of the materials requested;
  - b. why it would be difficult or impossible for StubHub to provide some of the materials requested;
  - c. why it would be difficult or impossible to set-up fully-functioning versions of the StubHub websites and/or any full test environment at Plaintiff’s location; and
  - d. what StubHub proposes as a more reasonable source code production in this matter.

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**StubHub Proposal**

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1 circumstances, what Plaintiff proposes—production of all source code  
2 trees—is neither possible, nor reasonable. In contrast to what Plaintiff has  
3 proposed, an appropriate and reasonable production for the websites in this  
4 lawsuit would consist of providing a non-compilable copy of the Java based  
5 portion of the StubHub-owned source code pertaining to the specific  
6 functionality that I understand Plaintiff must identify in its infringement  
7 contention claim charts (“the Relevant StubHub Source Code”). Such  
8 production is more appropriate than what Plaintiff requests for a number of  
9 reasons:

- 10 a. The form of source code production proposed by StubHub would  
11 provide information sufficient to show the operation of the accused  
12 functionality, but unlike Plaintiff’s proposal, be in a manner that is  
13 commensurate with the scope of discovery relevant to this case and  
14 that avoids production of source code for unaccused functionalities.
- 15 b. Further, a production of only the Relevant StubHub Source Code  
16 would allow for production via standard optical media (*e.g.*, a DVD),  
17 and would be viewable within one of the commercially available  
18 review tools.
- 19 c. StubHub would likely be able to identify, extract, and prepare the  
20 source code for production within less than a week.
- 21 d. Further, Plaintiff may employ commercially available tools to  
22 investigate wireless communications between a mobile device or  
23 website and StubHub’s back-end systems, and utilize StubHub’s  
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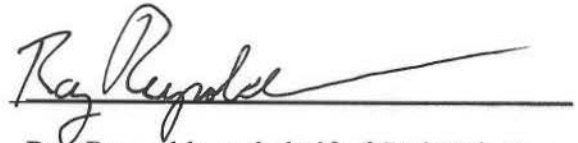
1 public websites (in the manner used by StubHub's customers), to  
2 further examine the StubHub web experience.

3 9. Given my understanding of how the StubHub websites work, any attempt to  
4 create fully-functioning versions of StubHub's websites from the source code  
5 that StubHub created or owns is very likely to be an effort in futility and a  
6 waste of StubHub's and Plaintiff's time and resources.

7 I declare under penalty of perjury under the laws of the United States that the  
8 foregoing is true and correct.

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1 Dated: January 11, 2013

  
Ray Reynolds on behalf of StubHub, Inc.

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# EXHIBIT 1

to the Declaration of Ray Reynolds



